

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**JOHN R. BRIASCO,**

**Defendant.**

**8:09CR291**

## ORDER

This matter is before the court on the motion of defendant John R. Briasco (Briasco) for temporary release (Filing No. 66). Briasco requests a temporary release of seventy-two hours to the third party custodianship of his sister in Winthrop, Massachusetts, in order to visit his terminally ill father. Briasco is charged in the Superseding Indictment with the possession with intent to distribute more than 50 kilograms of marijuana in violation of 21 U.S.C. § 841(a)(1) (Filing No. 42). The Superseding Indictment stems from seizure of marijuana during a traffic stop on Interstate 80 near Kearney, Nebraska, on June 3, 2009. On September 9, 2009, Briasco was detained as a danger to the community following a detention hearing (Filing No. 17). Briasco has not held employment for a year and provided Pretrial Services with incorrect information regarding his address over the past five years. Briasco has been charged with 43 felonies, 12 of which resulted in convictions for violent crimes and 7 of which were for drug crimes. Briasco has been placed on probation in the past and there have been 12 violations of such probation. The court recognizes Briasco was placed on bond when charged locally in Buffalo County and returned for further proceedings in that case and the present motion involves a compassionate temporary release request, however given Briasco's criminal history, including his violations of probation, the court finds the conditions suggested by Briasco for the temporary release do not assure the safety of the community and his presence for further proceedings.

**IT IS ORDERED:**

Briasco's motion for temporary release (Filing No. 66) is denied.

DATED this 12th day of March, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge